

Message Text

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PAGE 01 STATE 166354
ORIGIN AF-10

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DRAFTED BY AF/E:MBERRY:SM X28851
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-----109608 301433Z /50
O 301345Z JUN 78
FM SECSTATE WASHDC
TO AMEMBASSY ANTANANARIVO IMMEDIATE

C O N F I D E N T I A L STATE 166354

E.O. 11652: GDS

TAGS: CARR (LAPPEMAN, EDMUND H.)

SUBJECT: LAPPEMAN

REF: ANTANANARIVO 1209

1. DETAILS OF REFTEL MADE AVAILABLE TO MCNAMARA. AFTER CONSULTATION WITH FAMILY, MCNAMARA RECOMMENDS FOLLOWING BE PASSED TO LAPPEMAN: (A) MCNAMARA UNDERSTANDS SOLE BASIS OF APPEAL IS TECHNICAL NOT SUBSTANTIVE. IF IT GRANTED IT WILL NOT BE ACQUITTAL BUT SENTENCE CAN BE CORRECTED BY TECHNICAL ORDER AND HE IS WHERE HE WAS BEFORE APPEAL FILED. HE MAY PERHAPS RISK MORE SEVERE SENTENCE. (B) PRESIDENT DENIED MRS. LAPPEMAN'S REQUEST FOR CLEMENCY ON GROUNDS HE COULD NOT INTERVENE ON DECISION OF TRIBUNAL BECAUSE OF SEPARATION OF POWERS. IN MCNAMARA'S OPINION THIS IS SIGNAL THAT IF JUDICIAL PROCESS CONCLUDED, HE FREE TO EXERCISE CLEMENCY. ALTHOUGH THERE NO ASSURANCE THIS TRUE, MCNAMARA BELIEVES YOU HAVE NOTHING TO LOSE. (C) ALTHOUGH APPEAL MAY BE PROCESSED SPEEDILY, PROCEDURAL HISTORY HAS BEEN LONG AND DRAWN OUT. (D) UNDER PRESENT SENTENCE IF THERE NO CLEMENCY YOU STILL ELIGIBLE FOR
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PAGE 02 STATE 166354

PAROLE IN JULY 79. IF YOU WISH PURSUE NEW TRIAL YOU MAY GET MORE TIME.

2. MCNAMARA ASKS THAT EVEN IF LAPPEMAN HESITATES TO DROP APPEAL, PLEASE REQUEST ANDRIAMADISON FOR ASSURANCE THAT APPEAL CAN BE WITHDRAWN AFTER BRIEF IS FILED BUT BEFORE DECISION HANDED DOWN. THIS IS PROCEDURE GIVEN

BY SICARD AND ANDRIAMADISON TO MCNAMARA IN MARCH. IF
ANDRIAMADISON CANNOT GIVE SUCH ASSURANCE, ADVISE HIM
MCNAMARA INSTRUCTS HIM TO WITHHOLD FILING OF BRIEF
ON JUNE 30. LETTER FOLLOWS FROM MCNAMARA TO BARRETT.
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Disposition Approved on Date:
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